

BOOK 274 PAGE 746

STATE MS.-DESOTO CO.
FILED

IN THE SPECIAL COURT OF EMINENT DOMAIN
DESOTO COUNTY, MISSISSIPPI

AUG 15 4 38 PM '94

MISSISSIPPI TRANSPORTATION COMMISSION

BK ~~PETITIONER~~
W.E. DAVIS CH. CLK.

VS.

J.K. STATE MS.-DESOTO CO.
J.K. FILED

CAUSE NO. 8203

AUG 23 10 24 AM '94

EVELYN M. FROST, ET AL

DEFENDANTS

BK 274 PG 746
W.E. DAVIS CH. CLK.

AGREED JUDGMENT by B. Sturkey, Jr.

THIS day this cause came on to be heard upon the claim of the Mississippi Transportation Commission to have condemned certain lands named in the petition and described in Exhibit "A" attached hereto and incorporated herein, being the property of Evelyn Frost, et al. The Court is informed that the Defendant, Evelyn M. Frost, was personally served with process on August 10, 1993.

The Defendant, Joseph L. Turner, was personally served with process on August 11, 1993. By Quitclaim Deed dated February 13, 1994, recorded in Book 267 at page 271 of the records of the Chancery Clerk of Desoto County, Mississippi, Joseph L. Turner quitclaimed unto the Plaintiffs the land sought to be condemned herein. Further Defendant Turner released all claims for damages or compensation herein by virtue of the Quitclaim Deed, a copy of which is attached as Exhibit "B".

Defendant Leader Federal Bank for Savings, was the beneficiary under that certain deed of trust recorded in Book 598 at page 726 of the records of the Chancery Clerk of Desoto County, Mississippi. Defendant, Leader Enterprise, Inc., was the trustee of said deed of

✓ FILED 4 DAY OF Aug, 1994

Jeanette B. Martin
CIRCUIT COURT CLERK, DESOTO COUNTY, MISS.

trust. Defendant Leader Federal Bank for Savings was duly served with process by service upon Wilma Cole, Assets Custodian, Managing Agent for receipt of Process on August 10, 1993. Defendant, Leader Enterprise, Inc., was duly served with process by service upon Catherine C. Stallings, Registered Agent for Service of Process, on August 11, 1993. By virtue of a RELEASE OF TRUST DEED BY OWNER, copy attached as Exhibit "C", Leader Federal Bank for Savings released the subject property from said deed of trust, and acknowledged full payment and satisfaction of the lien of the deed of trust. Therefore, Leader Federal Bank for Savings and Leader Enterprise, Inc. have no further right, title, interest or claim to the subject property or to just compensation herein.

By amendment to petition Nancy G. Rogers was added as a party defendant by virtue of Warranty Deed executed March 5, 1994, subsequent to the date of take in this cause. Mrs. Rogers was personally served with process on June 7, 1994.

By the same amendment, Magnolia Federal Bank for Savings, beneficiary, and William F. Jones, trustee, under deed of trust executed by Nancy G. Rogers recorded in Book 694, page 742 of the office of the Chancery Clerk of Desoto County, Mississippi, were added as parties. Prior to service of process upon these defendants, Magnolia Federal Bank for Savings executed a Partial Release of Mortgage of the subject property, thereby extinguishing any interest of these two defendants in the property being condemned. A copy of the PARTIAL RELEASE OF MORTGAGE is attached as Exhibit "D".

This judgment has the same force and effect as if fully tried

to a jury and is rendered pursuant to MS Code Ann. Section 11-27-25.

Based upon the agreement of the parties the Court returns a verdict and judgment fixing Defendants compensation and damages at \$2,600.00, inclusive of legal interest from the date of filing of the Complaint.

For the reasons set forth above the Defendants, Joseph L. Turner, Leader Federal Bank for Savings, Leader Enterprises, Inc., Magnolia Federal Bank for Savings, and William F. Jones are entitled to no compensation or damages for the condemnation of the property described in Exhibit "A". By agreement of the remaining parties, Nancy G. Rogers and Evelyn M. Frost, the just compensation will be distributed, in full, to Evelyn M. Frost. The condemnation suit was contemplated in the sale of the lot from Evelyn Frost to Nancy G. Rogers and the portion herein condemned was inadvertently conveyed to Mrs. Rogers. She claims no interest herein and has no interest since the Order Granting Right of Immediate Possession to the Plaintiff was entered prior to her acquiring a deed to the property. Her joinder extinguishes any cloud which the deed to her may have cast upon the title to the Plaintiff.

The Mississippi Transportation Commission previously acquired title and possession of the condemned property by instrument dated September 8, 1993, and filed in Book 262 at page 540 of the land deed records of the office of the Chancery Clerk of Desoto County, Mississippi, after which on the 4th day of October, 1993. The Mississippi Transportation Commission tendered into court the sum of \$2,805.00. The Mississippi Transportation Commission is allowed

credit for said sum against the judgment rendered in this cause. The Clerk is directed to disburse the sums on deposit as follows: a) \$2,600.0 to Evelyn M. Frost; b) the balance to the Transportation Commission for excess deposit in the sum of \$205.00. Ownership of the said property is vested in Plaintiff and it may be appropriated to the public use as prayed for in the Complaint.

Let the Plaintiff pay the costs, for which execution may issue.

ORDERED AND ADJUDGED on this the 4th day of August, 1994.

Miss. Bube
JUDGE, SPECIAL COURT OF EMINENT DOMAIN

APPROVED AS TO FORM AND ENTRY:

MISSISSIPPI TRANSPORTATION
COMMISSION BY:

Pauline Shuler Lewis
PAULINE SHULER LEWIS
ATTORNEY FOR PETITIONER
LEWIS & LEWIS, P. A.
519 FIRST ST.
P. O. DRAWER 1600
CLARKSDALE, MS 38614
601-627-4477

Evelyn M. Frost
EVELYN M. FROST

Nancy G. Rogers
NANCY G. ROGERS

STATE OF MISSISSIPPI
DEBOTO COUNTY
I, Jeanette B. Martin, Clerk of the Circuit Court in and for said County and State, hereby certify that the foregoing is a true and correct copy of the Agreed Judgment as same appears on file or of record in Book 274 Page 749 of the Records of DeSoto County, Mississippi. A
Witness my hand and official seal this the 15th day of August, 1994
Jeanette B. Martin
Circuit Clerk, DeSoto County, Mississippi

T. Robert Abney
T. ROBERT ABNEY
ATTORNEY FOR LEADER FEDERAL BANK
FOR SAVINGS AND LEADER ENTERPRISE,
INC.

BOOK 274 PAGE 750

PREPARED BY AND RETURN TO:

Hon. Pauline Shuler Lewis
LEWIS & LEWIS
P.O. Drawer 1600
Clarksdale, MS 38614
601/627-4477

INDEXING INSTRUCTIONS: Please index under the names of Evelyn M. Frost
and Nancy G. Rogers in Lot 104 of Stonehedge Townhomes No. III in the North
 $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 32, Township 1 South, Range 7 West of the
Land Records of Desoto County, Mississippi.

IN THE SPECIAL COURT OF EMINENT DOMAIN
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION

PETITIONER

VS.

CIVIL ACTION NO. 8203

EVELYN M. FROST, ET AL

DEFENDANTS

EXHIBIT "A"

All of the following excepting and excluding therefrom all oil and gas and other minerals which may be produced through a well bore.

TOWNSHIP 1 SOUTH, RANGE 7 WEST, SECTION 32

PARCEL NO. 1
RIGHT-OF-WAY

Begin at the point of intersection of the Northern line of Defendants property with the present Eastern right-of-way line of Kings Road, being the Northwest corner of Defendants property, said point is 137.4 feet South of and 1399.5 feet West of the Northeast corner of Section 32, Township 1 South, Range 7 West; from said point of beginning run thence South 89° 53' East along the said Northern line of Defendants property, a distance of 4.2 feet to the proposed right-of-way line of a proposed highway project being known and designated as Federal Aid Project No. 19-0021-01-018-10, being a segment of Mississippi Highway No. 302; thence South 06° 23' West along said proposed right-of-way line, a distance of 40.1 feet to the Southwest corner of Defendants property; thence North 00° 20' East along the said present Eastern right-of-way line of Kings Road, being the Western line of Defendants property, a distance of 39.8 feet to the point of beginning of this Parcel No. 1, containing 0.01 acres, more or less, and

An easement of use, over, on and across a parcel of land to be used for the purpose of highway construction, said easement being temporary in nature, the use of which is not to extend beyond the completion of the construction of the above mentioned proposed highway project, said easement being designated as Parcel No. 2.



PARCEL NO. 2
TEMPORARY EASEMENT
FOR HIGHWAY CONSTRUCTION

Begin at the Northeast corner of Defendants property, said point is 137.8 feet South of and 1179.5 feet West of the Northeast corner of Section 32, Township 1 South, Range 7 West; from said point of beginning run thence South $00^{\circ} 20'$ West along the Eastern line of Defendants property, a distance of 39.9 feet; thence North $89^{\circ} 52'$ West along the Southern line of Defendants property, a distance of 31.8 feet; thence North $00^{\circ} 17'$ East, a distance of 39.9 feet to the Northern line of Defendants property; thence South $89^{\circ} 53'$ East along the Northern line of Defendants property, a distance of 31.8 feet to the point of beginning of this Parcel No. 2, containing 0.03 acres, more or less, and

Parcel No. 1 and Parcel No. 2 contain an aggregate of 0.04 acres, more or less, and are situated in and a part of Lot 104 of Stonehedge Townhomes No. III, in the North $1/2$ of the Northeast $1/4$ of Section 32, Township 1 South, Range 7 West, City of Southaven, DeSoto County, Mississippi.

QUITCLAIM DEED

STATE OF MISSISSIPPI

BOOK 274 PAGE 753

COUNTY OF DESOTO

For a lawful and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, JOSEPH L. TURNER does hereby grant, bargain, sell, convey and quitclaim unto the Mississippi Transportation Commission the following described land:

LOT 104, STONEHEDGE TOWNHOMES NO. III

SECTION 32, TOWNSHIP 1 SOUTH, RANGE 7 WEST

Plat BK 20 - page 16

PARCEL NO. 1

RIGHT OF WAY

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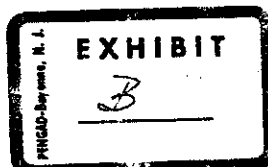
An easement of use, over, on and across a parcel of land to be used for the purpose of highway construction, said easement being temporary in nature, the use of which is not to extend beyond the completion of the construction of the above mentioned proposed highway project, said easement being designated as Parcel No. 2.

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FOR HIGHWAY CONSTRUCTION

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Parcel No. 1 and Parcel No. 2 contain an aggregate of 0.04 acres, more or less, and are situated in and a part of Lot 104 of Stonehedge Townhomes No. III, in the North ½ of the Northeast ¼ of Section 32, Township 1 South,

LL\STATE\FROST\MISC\TURNER.QCD



Range 7 West, City of Southaven, DeSoto County,
Mississippi.

It is further understood and agreed that the consideration herein named is in full, complete and final payment and settlement of any claims or demands for damage accrued, accruing, or to accrue to the grantors herein, their heirs, assigns, or legal representatives, for or on account of the construction of the proposed highway, change of grade, water damage, and/or any other damage, right or claim whatsoever.

It is further understood and agreed that this instrument constitutes the entire agreement between the grantor and the grantee, there being no oral agreements or representations of any kind.

Witness my signature, the 13th day of February, 1994.

Joseph L. Turner
JOSEPH L. TURNER

Grantee Address:

Mississippi Transportation Comm.
P. O. Box 1850
Jackson, Mississippi 39215-1850
Phone Number: (601) 359-1919
Account No. 19-0021-01-018-10

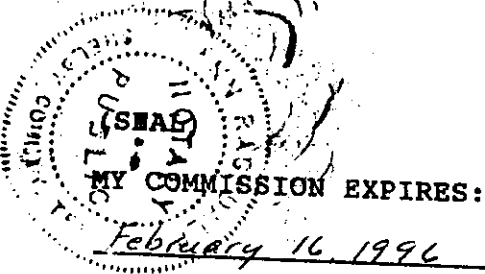
Grantor Address:

Joseph L. Turner
2745 Brachton Cove West
Pora Lake, Ms. 38637
Phone Number: (601) 342-7850 any
Business Number: (601) 386-2004 mail
Fed. Tax ID Number: Ann

STATE OF Tennessee
COUNTY OF Shelby

Personally appeared before me, the undersigned authority in and for the said county and state, on this 13th day of February, 1994, within my jurisdiction, the within named JOSEPH L. TURNER, who acknowledged that he executed and delivered the above and foregoing instrument.

Ann Ragadala
NOTARY PUBLIC



RETURN TO PREPARE:

Hon. Pauline Shuler Lewis
Lewis & Lewis, P.A.
P. O. Drawer 160
Clarksdale, MS 38614
601/627-4477

STATE MS. DESOTO CO.

FEB 14 3 27 PM '94

BK 267 LG 271
W.F. B. Cleveland &

STATE MS.-DESO TO CO.

RELEASE OF TRUST DEED BY OWNER Mar 25 10 48 AM '94

WHEREAS, by deed of trust dated the 14TH day of AUGUST 1992 and recorded in the Register's Office DESOTO County, MS, as recorded under BOOK 598 PAGE 1726, JOSEPH L. TURNER AND WIFE, EVELYN M. FROST TURNER

conveyed to the Trustee named therein, as Trustee, the real estate described therein for the purpose of securing the payment of an indebtedness also described therein; and WHEREAS, all of the indebtedness secured by said trust deed has been paid in full, and there is nothing due or owing in connection therewith.

NOW, THEREFORE, in consideration of the premises, LEADER FEDERAL BANK FOR SAVINGS, (FKA LEADER FEDERAL SAVINGS AND LOAN) as owner of the indebtedness secured by said deed of trust, acknowledges full payment and satisfaction thereof and does hereby release and discharge the lien to secure same in full.

The undersigned covenants that the party named above as such was the sole and unconditional owner of the indebtedness at time of final payment and having the lawful right does hereby execute this release.

DATE EXECUTED: 03/16/94

LEADER FEDERAL BANK FOR SAVINGS

By: K. Miller

STATE OF TENNESSEE)
COUNTY OF SHELBY)

Personally appeared before me, the undersigned, a Notary Public within and for said State and County, at Memphis, duly commissioned and qualified, KENNETH W. LAMORE, with whom I am personally acquainted and who, upon oath, acknowledged himself/herself to be the VICE-PRESIDENT LEADER FEDERAL BANK FOR SAVINGS, the within named authorized so to do, executed the foregoing instrument for the Corporation by himself/herself as such officer.

WITNESS my hand and Notarial Seal, at office, this the 23RD Day of MARCH, 1994.

Kenneth W. Lamore
NOTARY PUBLIC

My Commission expires:
MY COMMISSION EXPIRES JUNE 23, 1997.

Leader Federal Loan No. 37597317
Property Address: 6968 KINGS ROW SOUTHAVEN MS
Prepared in office of: Leader Bank for Savings
Consumer Lending Department
P O BOX 275 (901-578-4335)
MEMPHIS, TN 38101-9931



PARTIAL RELEASE OF MORTGAGE

BOOK 274 PAGE 756

FOR VALUE RECEIVED, the undersigned hereby releases from the lien of that certain deed of trust dated March 10, 1994, executed by Nancy G. Rogers, in favor of Magnolia Federal Bank For Savings, a Mississippi Bank, which said instrument is of record in the office of the Clerk of the Chancery Court of DeSoto County, Mississippi, at Hernando, in Book No. 694, at Page(s) 742, of the Records of Mortgages and Deeds of Trust on Land, the following described lands on Federal Aid Project No. 19-0021-01-018-10.

LOT 104, STONEHEDGE TOWNHOMES NO. III

SECTION 32, TOWNSHIP 1 SOUTH, RANGE 7 WEST

PARCEL NO. 1
RIGHT OF WAY

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PARCEL NO. 2
TEMPORARY EASEMENT
FOR HIGHWAY CONSTRUCTION

BOOK 274 PAGE 757

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Witness the signature of the mortgagee this the 16th
day of JUNE, A.D., 1994.

MAGNOLIA FEDERAL BANK FOR SAVINGS

BY: Hershal Parker
HERSHAL PARKER

STATE OF

Mississippi

COUNTY OF

Frost

BOOK 712 PAGE 117

BOOK 274 PAGE 758

Personally appeared before me, the undersigned authority in and for the said county and state, on this 14th day of June, 1994, within my jurisdiction, the within named HERSHAL PARKER who acknowledged that he is SENIOR VICE PRESIDENT of MAGNOLIA FEDERAL BANK FOR SAVINGS, A MISSISSIPPI BANK, and that in said representative capacity he executed the above and foregoing instrument, after first having been duly authorized so to do.



Pauline S. Lewis
NOTARY PUBLIC

MY COMMISSION EXPIRES:

My Commission Expires September 29, 1997

PREPARED BY AND RETURN TO:

Hon. Pauline S. Lewis
LEWIS & LEWIS, P.A.
P. O. Drawer 1600
Clarksdale, MS 38614-1600
601/627-4477

INSTRUCTIONS TO RECORDER:

Index in Lot 104, Stonehedge Townhomes No. III, Section 32, Township 1 South, Range 7 West and mark the partial release on the face of the deed of trust recorded in Book 694 at Page 742.

STAMP: JUN 17 10 22 AM '94

LL\STATE\FROST\LEAD\PARTIAL.REL

BK 712 TO 115
WELL
by: Woodward, P.C.